



INTELLIGENCE INFORMATION REPORT

Individual Items Of This Report Are
UNCLASSIFIED Unless Otherwise Indicated

This Is An Information Report, Not Finally Evaluated Intelligence

~~CONFIDENTIAL~~

COUNTRY: Argentina (AR)

REPORT NO: (b)(3):10 USC
424

TITLE: Military/Political - Final Version CY80 Human Rights Report (U)

DATE OF INFO: 810120
(YY MM DD)

REPORT DATE: 810305
(YY MM DD)

ORIGINATOR: (b)(3):10 USC 424

REQ REFERENCES: Initiative

SOURCE: SECSTATE Official

SUMMARY: ~~(S)~~ This IIR forwards the final version of the SECSTATE CY80 Human Rights Report on Argentina.

DETAILS: (U) None

ORIGINATOR COMMENTS: (U) This report is being forwarded for incorporation to the DIA data base for use by political/military analyst use/retrieval.

900

RECEIVED
MAR 19 1981
DIA RTS-23

5
4
3
DECLASSIFIED IN FULL
Authority: EO 13526
DIA FOIA & Declassification Services Offices
Date: Oct 19, 2018

(b)
10

CLASSIFIED BY: [redacted]
REVIEW ON: 5 March 1987

~~DECLASSIFIED~~

~~CONFIDENTIAL~~

INTELLIGENCE INFORMATION REPORT
SUPPLEMENTAL DATA

Individual Items Of This Report Are
UNCLASSIFIED Unless Otherwise Indicated

UNCLASSIFIED

REPORT NO: (b)(3):10 USC 424

COLL MGMT CODES: N/A

PROJECT NO: N/A

SPECIAL INSTRUCTIONS: DIRC ☐ Y ☒ N

(b)(3):10 USC 424;(b)(6)

REQUEST EVALUATION: ☐ Y ☒ N
Request Evaluation Releasable To:

- 1 ENCLOSURE(S):
1. SECSTATE msg CN 015069 dtg 201449Z Jan 81,
16 pgs, 1 cy (e)

ENCL # 1 HAS NOT BEEN REPRODUCED IN HARDCOPY

MICROFILMED BY RTS-3B

REQUEST ENCL(S)
FROM RTS-2A

DISTRIBUTION BY ORIGINATOR:
DIA (Original)

SUBJECT/LOCATION CODES
(For DIA Use Only)

241714	846144
241724	241344
142144	249824
142452	142454
143214	143244
145211	147344
145445	

AR

Page determined to be Unclassified
Reviewed DIA FOIA & Declassification Services Offices
IAW EO 13526, Section 3.5
Date: Oct 19, 2018

5
4
3
2
1

UNCLASSIFIED

~~CONFIDENTIAL~~

BT

~~CONFIDENTIAL~~

STATE 015069.

~~E.C. 12065: ADS 3/1/81 (SERVICE, R.E.)~~

TAGS: SHUM, AR

SUBJECT: FINAL VERSION OF THE 1980 HUMAN RIGHTS REPORT

1. FOLLOWING IS THE FINAL VERSION OF THE 1980 HUMAN RIGHTS REPORT FOR ARGENTINA. ALL REPORTS ARE EMBARGOED UNTIL CONGRESS MAKES THEM PUBLIC. LIKE LAST YEAR WE HOPE TO BE ABLE TO DISCUSS REPORT AND GIVE COPY TO ARGENTINE EMBASSY PRIOR TO PUBLIC RELEASE AND, AT EMBASSY'S DISCRETION, FOLLOW SAME COURSE WITH HOST GOVERNMENT OFFICIALS IN BUENOS AIRES. HOWEVER, UNDER N CIRCUMSTANCES MAY THE REPORTS BE SHOWN TO OR DISCUSSED WITH GOA OFFICIALS UNTIL DEPARTMENT AUTHORIZES POST TO SO. DEPARTMENT DECISIONS ON THIS YEARS' MODUS OPERANDI STILL PENDING; WE WILL INFORM POST SOONEST. HARDCOPY & TEXT BEING POUCHED TODAY.

2. BEGIN TEXT:

FOR THE PAST 25 YEARS ARGENTINA HAS EXPERIENCED CYCLICAL
CHANGES BETWEEN CIVILIAN AND MILITARY GOVERNMENTS.

SINCE 1955 THERE HAVE BEEN SIX CIVILIAN AND SIX MILITARY PRESIDENTS. BEGINNING IN 1969, VIOLENCE MOUNTED STEADILY FROM THE LEFT AND THEN FROM THE RIGHT AS GROUPS WITH WIDELY DIFFERENT POLITICAL OBJECTIVES AND CONCEPTIONS STRUGGLED FOR POWER. AS A RESULT OF THIS VIOLENCE AND INSTABILITY, BOTH CIVILIAN AND MILITARY GOVERNMENTS HAVE MAINTAINED A STATE OF SIEGE FOR SOME TEN OF THE PAST ELEVEN YEARS.

AT THE TIME THE MILITARY TOOK CONTROL OF THE STATE IN 1976, THE SITUATION IN ARGENTINA HAD DETERIORATED SHARPLY. COURTS AND POLITICAL LEADERS WERE INTIMIDATED, INFLATION APPROACHED 800 PERCENT, AND MANY ESSENTIAL PUBLIC SERVICES WERE DISRUPTED. TERRORISM HAD TAKEN ON BROAD DIMENSIONS: BOMBINGS, ROBBERIES, KIDNAPPINGS

(b)(3):10 USC 424

TO	ACT	INF	TO	ACT	INF
AMB			ADM		
ADM		/	SY		
POL	/		INCOIC		
CCOM		/	PER		
POL/R		/	CSO		
CONS		/	CAF		
ICA		/	CPO		
LABOR			TCU		
SCI		/	DEA		
DAO		/	FAS		/
MILGP			CHRON		/
FCS			RF		/

		DISTRIBUTION	
		ACT	INFO
		<i>[Handwritten mark]</i>	✓
		<i>[Handwritten mark]</i>	✓
		<i>[Handwritten mark]</i>	✓
FOPS			
FILE			
AL			

ref to
m
after
wire

CONFIDENTIAL

Date: Oct 19, 2018

~~CONFIDENTIAL~~

ENCL (1) TR (b)(3) 10 U.S.C. 424
IIR

~~CONFIDENTIAL~~

AND ASSASSINATIONS FOR POLITICAL REASONS WERE COMMON OCCURRENCES. ORGANIZED TERRORIST GROUPS ON BOTH SIDES OF THE POLITICAL SPECTRUM NUMBERED SOME 5,000-6,000 PERSONS, WITH SYMPATHIZERS ESTIMATED AT AN ADDITIONAL 15,000. THE NEW GOVERNMENT PROMISED TO RESTORE STABILITY, PROMOTE ECONOMIC RECOVERY, END TERRORISM AND CORRUPTION, AND ULTIMATELY TO RESTORE DEMOCRACY. MAINTAINING THE STATE OF SIEGE IMPOSED IN 1974 BY PRESIDENT MARIA ESTELA PERON, THE ARMED FORCES CLOSED CONGRESS, DEPOSED THE PRESIDENT, AND REPLACED ALL MEMBERS OF THE SUPREME COURT. ELECTED STATE AND LOCAL GOVERNMENT OFFICIALS WERE REPLACED BY MILITARY OFFICERS, AND POLITICAL PARTY ACTIVITIES, INCLUDING THE RIGHT OF ASSEMBLY, WERE PROHIBITED. MOST TRADE UNIONS WERE SUBJECTED TO GOVERNMENT INTERVENTION, AND ALL STRIKES WERE BANNED. THE SECURITY FORCES EMBARKED ON A WIDESPREAD CAMPAIGN OF VIOLENCE AIMED AT TERRORISTS AS WELL AS THOSE ELEMENTS OF SOCIETY THEY CONSIDERED SUBVERSIVE. MANY KNOWN OR SUSPECTED TERRORISTS, AS WELL AS MANY PERSONS WITH NO SUBVERSIVE RECORD, DISAPPEARED. MANY OTHERS WERE DETAINED BY THE EXECUTIVE WITHOUT ANY SPECIFIC CHARGE UNDER THE STATE OF SIEGE POWERS OF THE CONSTITUTION. IN 1978 SPOKESMEN FOR THE GOVERNMENT ANNOUNCED THAT THE WAR ON TERRORISM HAD BEEN WON. THE DIMINISHED THREAT FROM VIOLENCE OF THE LEFT AND RIGHT, THE GOVERNMENT'S OWN INITIATIVES TOWARD BETTERING THE HUMAN RIGHTS SITUATION, AND ITS INCREASING AWARENESS OF INTERNATIONAL CONCERN OVER ARGENTINA'S HUMAN RIGHTS IMAGE HAVE CONTRIBUTED TO A REDUCTION IN THE NUMBER OF VIOLATIONS.

~~CONFIDENTIAL~~

THE HUMAN RIGHTS SITUATION IN ARGENTINA IMPROVED IN 1980, ALTHOUGH SERIOUS PROBLEMS REMAINED. MOST SERIOUSLY, FUNDAMENTAL, INTERNATIONALLY-RECOGNIZED RIGHTS OF THE INTEGRITY OF THE PERSON HAVE BEEN VIOLATED THROUGH THE CONTINUED APPLICATION BY THE SECURITY FORCES OF THE PRACTICE OF DISAPPEARANCES, ALTHOUGH AT A LEVEL MUCH LOWER THAN OCCURRED IN THE FIRST TWO YEARS OF THE PRESENT MILITARY REGIME. IN 1980, THERE WERE 28 OR MORE REPORTED DISAPPEARANCES; AT LEAST 12 HAVE BEEN CREDIBLY DOCUMENTED. MOST OBSERVERS BELIEVE TORTURE AND SUMMARY EXECUTION CONTINUE TO BE PRACTICED IN THESE CASES.

THE MOST CAREFULLY RECORDED AND DOCUMENTED LISOF UNEXPLAINED DISAPPEARANCES, COMPILED BY THE PERMANENT ASSEMBLY FOR HUMAN RIGHTS IN BUENOS AIRES, CONTAINS ABOUT 5,600 CASES FOR THE PERIOD 1976 TO 1979. SOME ESTIMATES, HOWEVER, RUN CONSIDERABLY HIGHER. THERE IS SUBSTANTIAL EVIDENCE THAT MOST OF THOSE PERSONS WERE ABDUCTED BY THE SECURITY FORCES AND INTERROGATED UNDER TORTURE. MANY OBSERVERS BELIEVE THESE PERSONS HAVE BEEN SUMMARILY EXECUTED. THERE HAS BEEN NO ACCOUNTING FOR PAST DISAPPEARANCES.

~~CONFIDENTIAL~~

DECLASSIFIED IN FULL
Authority: EO 13526
DIA FOIA & Declassification Services Offices
Date: Oct 19, 2018

~~CONFIDENTIAL~~

~~CONFIDENTIAL~~

ABOUT 8,200 PERSONS HAVE BEEN DETAINED SINCE 1974 UNDER THE SPECIAL EXECUTIVE POWERS OF THE PRESIDENT (PEN). THIS NUMBER HAS BEEN REDUCED. IN DECEMBER 1980 THE GOVERNMENT ACKNOWLEDGED THAT APPROXIMATELY 900 PERSONS REMAIN UNDER PEN DETENTION. INCLUDING THESE PRISONERS, THE TOTAL NUMBER OF PERSONS BEING HELD ON OTHER THAN CRIMINAL CHARGES TOTALED ABOUT 1,550. OF THESE, ABOUT 600 HAD BEEN TRIED AND CONVICTED, ANOTHER 400 WERE IN TRIAL STATUS, AND ABOUT 550 WERE BEING HELD WITHOUT TRIAL AND/OR CHARGES, SOME FOR MANY YEARS OR EVEN AFTER HAVING SERVED THEIR SENTENCES. GOVERNMENT FIGURES INDICATE THAT THIS YEAR EIGHT NEW ARRESTS WERE MADE UNDER THE EXECUTIVE'S SPECIAL POWERS AND 888 PERSONS WERE REMOVED FROM PEN DETENTION. THERE CONTINUE TO BE RELIABLE REPORTS THAT INDIVIDUALS DETAINED AS SUSPECTED TERRORISTS OR SUBVERSIVES ARE SUBJECT TO PHYSICAL MISTREATMENT DURING INTERROGATION.

~~CONFIDENTIAL~~
~~CONFIDENTIAL~~

THE CONSTITUTIONAL RIGHT OF CERTAIN KINDS OF DETAINEES TO CHOOSE SELF-EXILE IN LIEU OF IMPRISONMENT HAS BEEN CIRCUMSCRIBED THROUGH THE IMPOSITION OF A LENGTHY APPLICATION AND SCREENING PROCESS. PRISON CONDITIONS

HAVE IMPROVED. EARLIER PROBLEMS OF SERIOUS MISTREATMENT, OVERCROWDING, LACK OF MEDICAL TREATMENT, IMPROPER FOOD, AND RESTRICTIONS ON VISITS HAVE DIMINISHED. HOWEVER, THERE IS STILL CONCERN OVER PSYCHOLOGICAL PRESSURES IN THE PRISONS WHICH MAY HAVE CONTRIBUTED TO SOME FIVE SUICIDES THIS YEAR.

IN SEPTEMBER 1979, THE INTER-AMERICAN HUMAN RIGHTS COMMISSION (IAHRC) VISITED ARGENTINA TO INVESTIGATE HUMAN RIGHTS ABUSES. ITS 266 PAGE REPORT, PUBLISHED IN APRIL 1980, DOCUMENTED SERIOUS VIOLATIONS OF HUMAN RIGHTS DURING THE PERIOD COVERED BY THE REPORT (1975-1979), AND RECOMMENDED THAT SPECIFIC ACTIONS BE TAKEN BY THE ARGENTINE GOVERNMENT TO PROMOTE THE OBSERVANCE OF HUMAN RIGHTS. THE ARGENTINE GOVERNMENT TOOK EXCEPTION TO ASPECTS OF THE REPORT; AT THE SAME TIME IT REPORTED TO THE ORGANIZATION OF AMERICAN STATES (OAS) THE ACTIONS

~~CONFIDENTIAL~~

~~CONFIDENTIAL~~

~~CONFIDENTIAL~~

~~CONFIDENTIAL~~

IT HAS TAKEN OR INTENDS TO TAKE TO CARRY OUT MANY OF THE REPORT'S RECOMMENDATIONS. A RESOLUTION REFERRING TO THIS REPORT AS WELL AS TO OTHER IAHRC REPORTS WAS ADOPTED BY CONSENSUS AFTER A PROLONGED DEBATE AT THE NOVEMBER OAS GENERAL ASSEMBLY.

OPPORTUNITIES FOR THE EXERCISE OF POLITICAL FREEDOMS REMAIN CIRCUMSCRIBED BY THE PROHIBITION ON POLITICAL PARTY ACTIVITIES, AS SUCH, AND BY LIMITATIONS ON FREEDOM OF EXPRESSION. HOWEVER, A DIALOGUE WITH MANY OF THE NATION'S POLITICAL LEADERS AIMED ULTIMATELY AT REMOVING THESE RESTRICTIONS WAS BEGUN BY THE GOVERNMENT. POLITICIANS AND THE PRESS SPOKE OUT INCREASINGLY ON THE GOVERNMENT'S ACTIONS AND PLANS, AND PUBLIC DISSENT FROM THE GOVERNMENT'S DECISIONS AND OPEN CRITICISM OF ITS POLICIES AND PROGRAMS, INCLUDING THE STATEMENTS AND ACTIVITIES OF OPPOSITION LEADERS, WERE REPORTED REGULARLY IN THE PRESS. INCREASINGLY, CIVILIAN LEADERS ORGANIZED MEETINGS AND CONFERENCES TO CONSIDER NATIONAL ISSUES. AT THE SAME TIME, POLITICIANS WERE OCCASIONALLY DETAINED ON THE GROUNDS THAT THEY HAD OVERSTEPPED THE LIMITS OF THE LAW. THE NEW POLITICAL PARTIES LAW, WHICH THE GOVERNMENT HAD PROMISED TO ISSUE THIS YEAR, IS NOW EXPECTED IN 1981. THE MILITARY DESIGNATED A NEW MILITARY PRESIDENT FOR THE PERIOD 1981-1984, WHILE REITERATING ITS COMMITMENT TO RETURN THE COUNTRY TO CIVILIAN, DEMOCRATIC RULE. HOWEVER, AS OF THE END OF 1980, NO DATE HAS BEEN FIXED FOR THAT DEVOLUTION.

~~CONFIDENTIAL~~

THE 1980 NOBEL PEACE PRIZE WAS AWARDED TO ADOLFO PEREZ ESQUIVEL, SECRETARY OF THE PEACE AND JUSTICE MOVEMENT, FOR HIS NON-VIOLENT ADVOCACY OF HUMAN RIGHTS IN ARGENTINA AND ELSEWHERE IN LATINAMERICA. HE WAS IMPRISONED IN 1977-1978 FOR HIS ACTIVITIES.

1. RESPECT FOR THE INTEGRITY OF THE PERSON, INCLUDING FREEDOM FROM:

A. TORTURE

ARTICLE 20 OF THE ARGENTINE CONSTITUTION PROHIBITS TORTURE. MOST OBSERVERS HAVE CONCLUDED THAT TORTURE CONTINUES TO BE PRACTICED IN THE CASES OF INDIVIDUALS WHO

DISAPPEAR AT THE HANDS OF SECURITY OFFICIALS, AND ARE PRESUMED DEAD. FORMER DETAINEES HAVE REPORTED THAT TORTURE, PRACTICED DURING THE FIRST DAYS OF THE INTERROGATION, TOOK THE FORM OF ELECTRIC SHOCK, IMMERSION OF THE HEAD IN WATER, MOCK EXECUTIONS, SEVERE BEATINGS, AND PSYCHOLOGICAL ABUSE. REPORTS FROM SOME PEOPLE DETAINED FOR NATIONAL SECURITY REASONS DURING 1980 INDICATED THAT PHYSICAL MISTREATMENT CONTINUES TO BE USED DURING THE INTERROGATION PHASE.

B. CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT

~~CONFIDENTIAL~~

~~CONFIDENTIAL~~

DECLASSIFIED IN FULL
Authority: EO 13526
DIA FOIA & Declassification Services Offices
Date: Oct 19, 2018

~~CONFIDENTIAL~~

~~CONFIDENTIAL~~

BEFORE EARLY 1979, CONDITIONS OF IMPRISONMENT FOR THOSE DETAINED FOR SECURITY REASONS WERE POOR AND MEDICAL SERVICES WERE PUDIMENTARY. IN APRIL 1979, THE GOVERNMENT DECREED UNIFORM PRISON REGULATIONS WHICH HAVE LED TO A GENERAL IMPROVEMENT IN PRISON CONDITIONS FOR MOST CATEGORIES OF PRISONERS. MANY OF THE REFORMS WERE NOT APPLIED TO ALL PRISONERS, IN PARTICULAR THOSE DETAINED FOR POLITICAL REASONS AND CONSIDERED BY THE AUTHORITIES TO BE SUBVERSIVE OR DANGEROUS. WHILE CONDITIONS REPORTEDLY IMPROVED FOR THIS CATEGORY FOR A TIME AFTER THE ISSUANCE OF THE DECREE, THEY AGAIN DETERIORATED THEREAFTER. MANY OF THESE PRISONERS WERE DENIED VISITATION, COMMUNICATION, EXERCISE, AND WORK. IN MAY 1980, A NEW DECREE WAS ISSUED WHICH WAS DESIGNED TO REDUCE ABUSES AND DISCIPLINARY MEASURES BY PRISON GUARDS, IMPROVE MEDICAL CARE AND PROVIDE INCREASED FAMILY VISITS, VISITS BY COUNSEL, AND ACCESS TO READING MATERIAL, WORK AND EXERCISE. INITIAL REPORTS SUGGEST THERE HAS BEEN IMPROVEMENT IN THESE AREAS. HOWEVER, CONCERN REMAINS ABOUT PSYCHOLOGICAL PRESSURES AFFECTING PRISONERS, IN VIEW OF THE APPROXIMATELY FIVE SUICIDES THIS YEAR.

~~CONFIDENTIAL~~

C. DISAPPEARANCES

THE ARGENTINE PERMANENT ASSEMBLY ON HUMAN RIGHTS HAS RECORDED TWELVE REPORTS OF DISAPPEARANCES IN CIRCUMSTANCES WHICH INDICATE THE VICTIM WAS ABDUCTED BY THE SECURITY FORCES. HUMAN RIGHTS ORGANIZATIONS ALLEGE THAT A LARGER NUMBER OF PEOPLE DISAPPEARED -- PERHAPS 28 OR MORE. MOST ARGENTINE OBSERVERS BELIEVE THAT MANY OF THOSE WHO DISAPPEARED HAD ACTIVE LINKS TO TERRORIST ORGANIZATIONS. THERE WERE ALSO CASES OF SUSPECTED TERRORISTS BEING PLACED BEFORE THE COURTS WHEN, IN THE PAST, THEY MIGHT SIMPLY HAVE DISAPPEARED. TWO PEOPLE WHO REPORTEDLY DISAPPEARED IN 1980 WERE PARAGUAYAN COMMUNISTS LIVING CLANDESTINELY AS REFUGEES IN ARGENTINA.

AMNESTY INTERNATIONAL AND OTHER HUMAN RIGHTS ORGANIZATIONS CHARGE THAT ARGENTINE SECURITY FORCES

~~CONFIDENTIAL~~

~~CONFIDENTIAL~~

DECLASSIFIED IN FULL
Authority: EO 13526
DIA FOIA & Declassification Services Offices
Date: Oct 19, 2018

~~CONFIDENTIAL~~ ~~CONFIDENTIAL~~

PARTICIPATED IN A WIDELY PUBLICIZED DISAPPEARANCE IN JUNE 1980 OF FOUR ARGENTINES IN LIMA, PERU. THE ARGENTINE GOVERNMENT HAS DENIED ANY ROLE IN THEIR DISAPPEARANCE.

THE AUTHORITIES HAVE NOT YET ACCOUNTED FOR THE PEOPLE WHO DISAPPEARED IN THE PAST. GOVERNMENT SPOKESMEN HAVE SUGGESTED THAT THE BULK OF THE DISAPPEARED ARE DEAD. NOTING THE STATEMENTS OF FORMER DETAINEES WHO REPORT THAT MOST OF THEIR FELLOWS WERE EXECUTED, AS WELL AS LACK OF EVIDENCE TO THE CONTRARY, MOST OBSERVERS ALSO BELIEVE THAT THE GREAT BULK OF THE DISAPPEARED ARE DEAD.

A 1979 LAW SHORTENING THE PERIOD FOR A COURT FINDING OF PRESUMPTIVE DEATH HAS ALLEVIATED SOME PERSONAL HARDSHIPS IN LEGAL AND FINANCIAL MATTERS FOR THE SURVIVORS OF THE DISAPPEARED. THE LAW DREW SHARP CRITICISM FROM ARGENTINE HUMAN RIGHTS ORGANIZATIONS, RELATIVES, AND THE EUROPEAN PARLIAMENT, BECAUSE OF FEARS THE GOVERNMENT WOULD MISUSE IT TO CLOSE ARBITRARILY CASES OF DISAPPEARANCES. THERE HAVE BEEN NO REPORTS THAT THE LAW IN FACT HAS BEEN ABUSED BY THE AUTHORITIES. THE GOVERNMENT HAS NOW EXPLICITLY RESTRICTED THE TERMS OF THE LAW TO ASSURE AGAINST POTENTIAL OFFICIAL MISUSE. THE INTER-AMERICAN HUMAN RIGHTS COMMISSION IN ITS 1980 REPORT HAS RECOMMENDED THAT ARGENTINA, TO PREVENT NEW DISAPPEARANCES, SHOULD CREATE A CENTRAL REGISTER OF DETAINEES.

~~CONFIDENTIAL~~
~~CONFIDENTIAL~~

D. ARBITRARY ARREST AND IMPRISONMENT

THE ARGENTINE CONSTITUTION, IN ARTICLE 23, ESTABLISHED THE POWER OF THE EXECUTIVE BRANCH TO DETAIN AND HOLD PRISONERS UNDER A STATE OF SIEGE (WHICH HAS BEEN IN EFFECT SINCE 1974). THE POWERS DERIVED UNDER THIS PROVISION, AS WELL AS THE PRISONERS HELD UNDER ITS AUTHORITY, ARE OFTEN DESCRIBED WITH THE ADJECTIVE PEN,

THE SPANISH ACRONYM FOR THE NATIONAL EXECUTIVE POWER. (PODER EJECUTIVO NACIONAL). THE CONSTITUTION PLACES NO EXPLICIT TIME LIMIT FOR HOLDING PRISONERS UNDER THE PEN POWERS. THE SUPREME COURT, OVERRULING A NUMBER OF LOWER COURT DECISIONS, HAS ACCEPTED BROAD AND UNSUBSTANTIATED CHARGES OF ASSOCIATION WITH SUBVERSION AS SUFFICIENT GROUNDS FOR INDEFINITE PEN DETENTION. SOME PEN PRISONERS HAVE BEEN IN JAIL WITHOUT CHARGE FOR SEVERAL YEARS -- INCLUDING A SIGNIFICANT NUMBER DETAINED BEFORE 1976.

SINCE 1974, 8,200 PERSONS ACCUSED OF TERRORISM OR SUBVERSION HAVE BEEN DETAINED UNDER THE SPECIAL EXECUTIVE POWERS OF THE PRESIDENT. BY DECEMBER 1980, THOSE HELD ON OTHER THAN COMMON CRIMINAL CHARGES TOTALLED ABOUT 1,550. OF THESE, ABOUT 600 HAD BEEN TRIED AND CONVICTED IN MILITARY OR CIVILIAN COURTS,

~~CONFIDENTIAL~~

~~CONFIDENTIAL~~
~~CONFIDENTIAL~~

DECLASSIFIED IN FULL
Authority: EO 13526
DIA FOIA & Declassification Services Offices
Date: Oct 19, 2018

~~CONFIDENTIAL~~
~~CONFIDENTIAL~~

~~CONFIDENTIAL~~

ANOTHER 400 WERE IN TRIAL STATUS, AND ABOUT 550 WERE BEING HELD WITHOUT TRIAL AND/OR CHARGES, SOME FOR MANY YEARS OR EVEN AFTER HAVING SERVED THEIR SENTENCES. THE MINISTER OF INTERIOR SAID 300 ARE BEING HELD WITHOUT CHARGES. IN DECEMBER 1980 THE GOVERNMENT ACKNOWLEDGED THAT APPROXIMATELY 900 PERSONS REMAIN UNDER PEN DETENTION. THE ARGENTINE GOVERNMENT INFORMED THE OAS GENERAL ASSEMBLY THAT IN 1980 EIGHT PERSONS WERE DETAINED UNDER PEN POWERS; OF THESE, SIX WERE REFERRED TO NORMAL JUDICIAL PROCEDURES AND TWO WERE RELEASED UNDER PAROLE CONDITIONS. THE GOVERNMENT HAS SET UP A SYSTEM TO REVIEW PERIODICALLY ALL PENDING CASES, AND 388 PERSONS WERE REMOVED FROM PEN DETENTION IN 1980. THE INTERNATIONAL COMMITTEE OF THE RED CROSS HAS MAINTAINED A REGULAR PROGRAM OF PRISON VISITS.

E. DENIAL OF FAIR PUBLIC TRIAL

PERSONS ACCUSED OF SUBVERSION OR TERRORISM MAY BE TRIED IN EITHER CIVILIAN OR MILITARY COURTS. CIVILIAN COURTS FOLLOW ARGENTINA'S CUSTOMARY LEGAL PROVISIONS REGARDING OPEN AND FAIR TRIALS. ARGENTINE LAW, HOWEVER, REQUIRES WRITTEN RATHER THAN ORAL TESTIMONY, SO THAT "OPEN" HAS A DIFFERENT MEANING AND DIFFERENT CONSEQUENCES FROM THOSE IN OTHER LEGAL SYSTEMS. THE LAW PROVIDES THAT THE CIVILIAN COURTS ARE INDEPENDENT, BUT THE PRESSURES ACCOMPANYING TRIALS INVOLVING SUBVERSION AND TERRORISM HAVE MADE IT DIFFICULT FOR THE COURTS TO MAINTAIN INDEPENDENCE. MILITARY TRIBUNALS, BEFORE WHICH CIVILIANS MAY BE TRIED, CONDUCT THEIR PROCEEDINGS IN SECRET. THE DEFENDANTS HAVE ACCESS ONLY TO A MILITARY DEFENSE COUNSEL WHO IS USUALLY NOT A LAWYER. DEFENDANTS LEGALLY MAY BE KEPT UNAWARE OF THE EVIDENCE AGAINST THEM IN BOTH MILITARY AND CIVILIAN PROCEEDINGS. THE ARGENTINE GOVERNMENT, IN ITS REPORT TO THE OAS GENERAL ASSEMBLY, STATED THAT IN 1980 157 PERSONS WERE SENTENCED FOR CRIMES RELATED TO TERRORISM; 154 SENTENCES WERE HANDED DOWN BY CIVILIAN COURTS AND THREE BY MILITARY COURTS.

~~CONFIDENTIAL~~

~~CONFIDENTIAL~~

~~CONFIDENTIAL~~

LAWYERS IN THE PAST GENERALLY HAVE BEEN RELUCTANT TO DEFEND PEOPLE CHARGED WITH TERRORISM OR SUBVERSION, FEARING HARASSMENT OR REPRISALS. THE NEW YORK CITY BAR ASSOCIATION, FOLLOWING ITS VISIT TO ARGENTINA IN APRIL 1979, CONCLUDED THAT IN 1975-1978 SOME LAWYERS DISAPPEARED OR WERE DETAINED IF THEY DEFENDED CLIENTS AND CAUSES UNPOPULAR WITH THE GOVERNMENT. OVER THE PAST TWO YEARS, NO LAWYERS DISAPPEARED OR WERE DETAINED FOR SUCH REASONS, AND IT APPEARS THAT THE PROFESSION IS OPERATING MORE SECURELY THAN IN THE PAST.

THE INDEPENDENCE OF THE COURTS IS PROVIDED FOR IN THE CONSTITUTION. IN 1976, HOWEVER, THE GOVERNMENT REPLACED ALL MEMBERS OF THE SUPREME COURT AND REMOVED A NUMBER OF JUDGES IN LOWER COURTS, THOUGH MOST WERE RETAINED. THE COURTS HAVE OFTEN UPHOLD EXECUTIVE INTERPRETATIONS OF LAWS AND OF THE CONSTITUTION, AND THEY HAVE NOT SUCCESSFULLY CLARIFIED THE FATE OF ANY OF THE DISAPPEARANCES BROUGHT TO THEIR ATTENTION. HOWEVER, THERE HAVE BEEN INSTANCES WHEN THE COURTS SUCCESSFULLY CHALLENGED GOVERNMENT ACTIONS AND INTERPRETATIONS OF ITS POWERS. IN 1980, THE SUPREME COURT ORDERED THE COURTS TO INVESTIGATE DISAPPEARANCES FULLY WHEN THERE IS EVIDENCE SUGGESTING GOVERNMENT FORCES MAY HAVE BEEN INVOLVED. IT REMAINS TO BE SEEN WHETHER THE LOWER COURTS WILL BE EFFECTIVE IN CARRYING OUT THE SUPREME COURT'S DIRECTIVE. THE 1980 REPORT OF THE INTER-AMERICAN HUMAN RIGHTS COMMISSION RECOMMENDS SPECIFIC MEASURES TO ASSURE LEGAL DUE PROCESS GUARANTEES.

~~CONFIDENTIAL~~
~~CONFIDENTIAL~~

F. INVASION OF THE HOME

THE SANCTITY OF THE HOME HAS TRADITIONALLY BEEN PROTECTED BY ARGENTINE LAW, CUSTOM, AND PRACTICE. THE SECURITY FORCES, HOWEVER, HAVE OFTEN VIOLATED THAT SANCTITY DURING THEIR ANTI-TERRORIST AND ANTI-SUBVERSIVE OPERATIONS. AVAILABLE INFORMATION SUGGESTS THAT VIOLATION OF THE HOME'S SANCTITY STILL OCCURS, ALTHOUGH THE NUMBER OF INSTANCES APPEARS TO HAVE DROPPED SHARPLY IN 1980.

2. GOVERNMENT POLICIES RELATING TO THE FULFILLMENT OF SUCH VITAL NEEDS AS FOOD, SHELTER, HEALTH CARE AND EDUCATION.

ARGENTINA ENJOYS A HIGH STANDARD OF LIVING. IN 1979 PER CAPITA INCOME IN CURRENT DOLLARS WAS AN ESTIMATED \$3,400, AND ARGENTINE GOVERNMENTS HAVE -- WITHIN THE ECONOMIC CONSTRAINTS OF RECENT YEARS -- SOUGHT TO CONFRONT SOCIAL NEEDS. OF TOTAL CENTRAL GOVERNMENT EXPENDITURES IN 1979, 10.1 PERCENT WENT TO EDUCATION, THREE PERCENT TO PUBLIC HEALTH AND 4.5 PERCENT TO HOUSING. INFANT MORTALITY IN 1970-79 WAS 59 PER 1,000 BIRTHS. LIFE EXPECTANCY IS 69.4 YEARS. THERE IS ONE PHYSICIAN FOR EVERY 530 PERSONS, AND A HOSPITAL BED FOR EVERY

~~CONFIDENTIAL~~

~~CONFIDENTIAL~~

DECLASSIFIED IN FULL
Authority: EO 13526
DIA FOIA & Declassification Services Offices
Date: Oct 19, 2018

~~CONFIDENTIAL~~

~~CONFIDENTIAL~~

170. IN 1978 94 PERCENT OF THE ADULT POPULATION WAS ARGENTINA TO DATE CONTINUES TO MANTAIN CLOSE TO FULL EMPLOYMENT. OFFICIAL UNEMPLOYMENT IN ARGENTINA WAS TWO PERCENT IN 1980, ALTHOUGH SOME OBSERVERS BELIEVE THAT THERE IS SOME HIDDEN UNEMPLOYMENT. ARGENTINA HAS TRADITIONALLY ENJOYED RELATIVELY EQUAL DISTRIBUTION OF INCOME ALTHOUGH IT HAS BECOME LESS EQUAL IN RECENT YEARS, IN PART AS A RESULT OF GOVERNMENT POLICIES DESIGNED TO REDUCE INFLATION AND REVITALIZE THE COUNTRY'S PRODUCTIVE SECTOR. TOWARD THAT END, THE GOVERNMENT HAS MADE AN EFFORT TO OPEN THE ECONOMY TO EXTERNAL COMPETITION BY LOWERING TARIFF PROTECTION, REDUCING SUBSIDIES, AND LIMITING STATE INVOLVEMENT IN THE ECONOMY. THESE POLICIES, WHICH GREATLY INCRESSED IMPORTS AND DISCOURAGED EXPORTS, HAVE RECENTLY RESULTED IN A NUMBER OF BANKRUPTCIES, BELT-TIGHTENING FOR LOWER AND SOME MIDDLE-INCOME GROUPS, AND GROWING COMPLAINTS FROM THE PRIVATE SECTOR. THE ECONOMY IS CURRENTLY IN A PERIOD OF REDUCED GROWTH. INFLATION CONTINUES TO DECLINE BUT IS STILL HIGH, RUNNING AT ABOUT 90 PERCENT FOR 1980, PARTLY BECAUSE OF DELIBERATE GOVERNMENT POLICY TO MAINTAIN FULL EMPLOYMENT AND TO PROVIDE SUBSTANTIAL INCREASES IN REAL WAGES OF PUBLIC SECTOR EMPLOYEES OVER THE PAST SEVERAL YEARS. THIS HAS CONTRIBUTED TO UPWARD PRESSURE ON WAGES AND PRICES THROUGHOUT THE ECONOMY.

~~CONFIDENTIAL~~
~~CONFIDENTIAL~~

EDUCATION HAS BEEN FREE AND IS WIDELY AVAILABLE, THOUGH THE GOVERNMENT IS NOW MOVING TO REQUIRE TUITION FOR UNIVERSITY-LEVEL EDUCATION. GOVERNMENT, PRIVATE AND TRADE UNION MEDICAL CARE PROGRAMS MAKE TREATMENT AVAILABLE AND AFFORDABLE TO MOST OF THE POPULATION.

PROPERTY OWNERSHIP AND TRANSACTION IS A RIGHT OF CITIZENS. THERE IS A SERIOUS HOUSING SHORTAGE IN ARGENTINA, MOST OF IT ATTRIBUTABLE TO NOW-DEFUNCT

LEGISLATION THAT SUSTAINED RENT CONTROL GUIDELINES. THE TAX SYSTEM IS PROGRESSIVE AND TAX COLLECTIONS ARE.

~~CONFIDENTIAL~~
~~CONFIDENTIAL~~

~~CONFIDENTIAL~~

~~CONFIDENTIAL~~ ~~CONFIDENTIAL~~

INCREASINGLY EFFECTIVE, THOUGH COMPLIANCE REMAINS A PROBLEM.

ARGENTINE WOMEN GENERALLY ENJOY EQUAL JURIDICAL STATUS WITH MEN. WOMEN'S RIGHTS ARE NOT A CONTENTIOUS ISSUE IN ARGENTINA; AS JOBS AND EDUCATIONAL OPPORTUNITIES, ALONG WITH SUPPORT SYSTEMS THAT FACILITATE THE SIMULTANEOUS HANDLING OF JOB AND FAMILY, ARE AVAILABLE, AT LEAST IN URBAN AREAS. SEX DISCRIMINATION IS PROHIBITED IN EDUCATION, POLITICS, AND EMPLOYMENT. TRADITION AND SOCIAL CUSTOMS STILL LIMIT WOMEN'S PARTICIPATION IN THE WORK FORCE.

3. RESPECT FOR CIVIL AND POLITICAL LIBERTIES, INCLUDING:

A. FREEDOM OF SPEECH, PRESS, RELIGION AND ASSEMBLY
THE ARGENTINE CONSTITUTION PROVIDES FOR THESE FREEDOMS, BUT THEY HAVE BEEN CIRCUMSCRIBED SINCE THE IMPOSITION OF THE STATE OF SIEGE IN 1974. IN 1980, EXERCISE OF FREEDOM OF SPEECH AND ASSEMBLY EXPANDED, ALTHOUGH POLITICAL LEADERS STILL RISK ARREST IF THEY OVERSTEP THE UNCERTAIN AND UNDEFINED BOUNDS OF PERMITTED POLITICAL ACTIVITY AND STATEMENTS. CIVILIAN POLITICAL LEADERS IN 1980 COMMENTED EXTENSIVELY ON THE GOVERNMENT'S POLITICAL DIALOGUE, ON ITS PROMISE TO ISSUE A NEW LAW WHICH WILL ALLOW POLITICAL PARTIES TO REORGANIZE AND RENEW THEIR LEADERSHIP, AND ON OTHER GOVERNMENT POLICIES AND ACTIONS. INCLUDED AMONG THE LATTER WERE THE ECONOMIC SITUATION AND HUMAN RIGHTS ISSUES, INCLUDING ACCOUNTING FOR THE DISAPPEARED. ON THE OTHER HAND, MEETINGS OF PARTY LEADERS ARE SOMETIMES PROHIBITED OR DISRUPTED BY THE POLICE AND THE PARTICIPANTS DETAINED, USUALLY FOR BRIEF PERIODS. A REGIONAL POLITICAL LEADER RECENTLY WAS ARRESTED FOR VIOLATING THE GOVERNMENT'S BAN ON POLITICAL PARTY ACTIVITY, AND A SENIOR NATIONAL POLITICAL LEADER WAS DETAINED AND QUESTIONED AFTER HEREPORTEDLY CRITICIZED THE GOVERNMENT. THE RIGHT OF ASSEMBLY FOR POLITICAL GROUPS HAS BEEN SUSPENDED SINCE MARCH 1976 ALTHOUGH, AS NOTED ABOVE, THE GOVERNMENT HAS PERMITTED A GRADUAL INCREASE OF ORGANIZED POLITICAL ACTIVITIES BY ESTABLISHED POLITICAL PARTIES. MARXIST PARTIES TO THE LEFT OF THE COMMUNISTS HAVE BEEN BANNED.

THE PRESS IS NOT LEGALLY SUBJECT TO PRIOR OFFICIAL CENSORSHIP EXCEPT FOR MORAL CONTENT. HOWEVER,

GOVERNMENT-IMPOSED GUIDELINES RESULT IN SELF-CENSORSHIP. THE ARGENTINE PUBLISHERS' ASSOCIATION, AFTER ITS ANNUAL MEETING IN 1980, ISSUED A STATEMENT THAT "IT IS IMPOSSIBLE TO STATE THAT PRESS FREEDOM EXISTS IN ARGENTINA." IN THE PAST, JOURNALISTS HAVE BEEN AMONG THE ARGENTINES WHO DISAPPEARED. SOME ARE CURRENTLY UNDER DETENTION. THE GOVERNMENT HAS INTERVENED OR CONFISCATED A NUMBER OF NEWSPAPERS, NOTABLY LA OPINION.

DECLASSIFIED IN FULL
Authority: EO 13526
DIA FOIA & Declassification Services Offices
Date: Oct 19, 2018

~~CONFIDENTIAL~~

~~CONFIDENTIAL~~

~~CONFIDENTIAL~~

NEVERTHELESS, NEWSPAPERS ACTIVELY CRITICIZE THE GOVERNMENT IN MANY AREAS AND REPORT THE REMARKS OF OPPOSITION POLITICIANS. COVERAGE OF SUCH ISSUES AS HUMAN RIGHTS AND THE DISAPPEARANCES INCREASED DURING 1980. IN AUGUST A DECLARATION SIGNED BY 180 PROMINENT ARGENTINES CALLING FOR CLARIFICATION OF THE WHEREABOUTS OF DISAPPEARED PERSONS WAS PUBLISHED IN A PROMINENT DAILY NEWSPAPER. MOST FOREIGN PUBLICATIONS ENTER ARGENTINA WITHOUT CENSORSHIP.

THE ARGENTINE CONSTITUTION REQUIRES THAT THE PRESIDENT BE A MEMBER OF THE CATHOLIC CHURCH, AND THE MAJORITY OF ARGENTINES PROFESS THIS FAITH. OTHER RELIGIONS ARE REQUIRED TO REGISTER WITH THE GOVERNMENT; ALL BUT THE JEHOVAH'S WITNESSES ARE PERMITTED TO FUNCTION, AND THERE ARE SUBSTANTIAL MINORITY RELIGIOUS GROUPS, INCLUDING A 300,000-450,000 MEMBER JEWISH COMMUNITY. THE GOVERNMENT PUBLICLY CONDEMNS RELIGIOUS PREJUDICE.

ARGENTINE JEWS HAVE WELL-DEVELOPED COMMUNITY ORGANIZATIONS, EXERCISE THEIR RELIGION WITHOUT RESTRAINTS AND PARTICIPATE FULLY IN ARGENTINE ECONOMIC AND CULTURAL LIFE. THE GOVERNMENT MAINTAINS CORRECT RELATIONS WITH THE JEWISH COMMUNITY AND THERE IS NO EVIDENCE OF OFFICIAL ANTI-SEMITIC POLICY, ALTHOUGH INCIDENTS OF ANTI-SEMITISM OCCUR. DURING THE HEIGHT OF THE "DIRTY WAR" THERE WERE CREDIBLE REPORTS OF ANTI-SEMITIC BEHAVIOR BY THE SECURITY FORCES AND PERSECUTION OF JEWISH PRISONERS. VIRULENT ANTI-SEMITIC LITERATURE REMAINS ON SALE IN THE COUNTRY AND OPENLY ANTI-SEMITIC ATTITUDES HAVE BEEN TOLERATED IN STATE-CONTROLLED TELEVISION. SEVERAL JEWISH SCHOOLS WERE BOMBED IN JULY AND AUGUST AND MORE RECEIVED ANONYMOUS THREATS. THOUGH THE CULPRITS WERE NEVER FOUND, THE GOVERNMENT SOUGHT TO REASSURE ARGENTINE JEWS.

UNTIL THE END OF 1980, THE GOVERNMENT CONTINUED TO REFUSE TO PERMIT THE LEGAL REGISTRATION OF THE JEHOVAH'S WITNESSES, WHO NUMBER APPROXIMATELY 30,000 IN ARGENTINA. THEIR PROPERTIES AND MEETING PLACES HAVE BEEN CLOSED,

~~CONFIDENTIAL~~

DECLASSIFIED IN FULL
Authority: EO 13526
DIA FOIA & Declassification Services Offices
Date: Oct 19, 2018

~~CONFIDENTIAL~~

~~CONFIDENTIAL~~
~~CONFIDENTIAL~~

AND SOME WITNESS CHILDREN HAVE BEEN EXPELLED FROM

PROVINCIAL SCHOOL SYSTEMS FOR REFUSING TO SALUTE THE FLAG AND SING THE NATIONAL ANTHEM. THE SUPREME COURT HAS RULED THAT TWO EXPELLED PRIMARY SCHOOL CHILDREN SHOULD BE ALLOWED TO RETURN TO SCHOOL. IN DECEMBER 1980 THE GOVERNMENT REVOKED A DECREE WHICH HAD PRECLUDED THE JEHOVAH'S WITNESSES FROM SEEKING FORMAL REGISTRATION.

SEVERAL HUMAN RIGHTS ORGANIZATIONS, UNITING ACTIVISTS AND RELATIVES OF THE DISAPPEARED, HAVE PLAYED A SIGNIFICANT ROLE IN ARGENTINA OVER THE PAST SEVERAL YEARS. SOME LEADERS OF THESE GROUPS WERE SEVERELY HARASSED AND THREATENED IN THE PAST AND SEVERAL ACTIVISTS DISAPPEARED. IN 1980 IT APPEARED THAT THE ORGANIZATIONS WERE OPERATING IN A CLIMATE OF ENHANCED SECURITY THOUGH THERE CONTINUED TO BE OCCASIONAL HARASSMENT. THE GOVERNMENT IN 1980 REAFFIRMED THE RIGHT OF HUMAN RIGHTS ORGANIZATIONS TO CONDUCT THEIR ACTIVITIES FREELY, AND PRAISED THOSE GROUPS THAT DIRECTED THEIR EFFORTS TOWARD HUMANITARIAN RATHER THAN POLITICAL GOALS. THE "MOTHERS OF THE PLAZA DE MAYO" -- RELATIVES OF DISAPPEARED PERSONS -- WHO USED TO ASSEMBLE IN FRONT OF THE MINISTRY OF THE INTERIOR IN THE PLAZA DE MAYO, WERE FORCIBLY PREVENTED FROM USING THE PLAZA LATE IN 1978, AND IN DECEMBER 1980 A DEMONSTRATION BY HUMAN RIGHTS ACTIVISTS, INCLUDING RELATIVES OF THE DISAPPEARED, WAS BROKEN UP BY THE POLICE WITH THE USE OF CONSIDERABLE FORCE. TWENTY-SEVEN DEMONSTRATORS WERE ARRESTED.

B. FREEDOM OF MOVEMENT WITHIN THE COUNTRY, FOREIGN TRAVEL, EMIGRATION AND REPATRIATION

ARGENTINE CITIZENS ARE FREE TO TRAVEL WITHOUT RESTRICTION WITHIN THE COUNTRY AND ARE FREE TO EMIGRATE. MARRIED WOMEN LIVING IN ARGENTINA MUST HAVE THE PERMISSION OF THEIR HUSBANDS TO TRAVEL ABROAD WITH THEIR CHILDREN IF THE HUSBAND IS NOT ACCOMPANYING THEM. THE ARGENTINE CONSTITUTION PERMITS PEN PRISONERS TO CHOOSE SELF-EXILE. EXERCISE OF THIS "RIGHT OF OPTION" WAS DENIED BY THE CURRENT GOVERNMENT UNTIL 1978 AND SUBSEQUENTLY RESTRICTED THROUGH IMPLEMENTATION OF AN EXTENSIVE SCREENING PROCESS FOR ALL APPLICANTS. MANY APPLICATIONS WERE DENIED DURING 1980, EVEN THOUGH THE APPLICANTS HELD DOCUMENTS AUTHORIZING THEM TO ENTER OTHER COUNTRIES. OF THE 711 CASES HANDLED THUS FAR UNDER THE UNITED STATES REFUGEE PROGRAM, 277 HAVE BEEN RELEASED.

ARGENTINA HAS ACCEPTED ABOUT 300 INDOCHINESE AND ELEVEN CUBAN REFUGEES.

C. FREEDOM TO PARTICIPATE IN THE POLITICAL PROCESS

DECLASSIFIED IN FULL
Authority: EO 13526
DIA FOIA & Declassification Services Offices
Date: Oct 19, 2018

~~CONFIDENTIAL~~

~~CONFIDENTIAL~~

DECLASSIFIED IN FULL
Authority: EO 13526
DIA FOIA & Declassification Services Offices
Date: Oct 19, 2018

MOST ELEMENTS OF THE DEMOCRATIC POLITICAL PROCESS REMAINED LEGALLY SUSPENDED IN 1980. THE GOVERNMENT'S DECLARED INTENTION IS TO RETURN THE NATION TO CONSTITUTIONAL DEMOCRACY BUT IT HAS NOT ESTABLISHED A TIMETABLE FOR REALIZING THAT GOAL. THE GOVERNMENT, IN LATE 1979, PROMULGATED A "POLITICAL PLAN" CONTAINING BROAD GUIDELINES FOR THE EVENTUAL RETURN OF THE COUNTRY TO CIVILIAN RULE. IN 1980, UNDER THE LEADERSHIP OF THE MINISTER OF THE INTERIOR, THE GOVERNMENT BEGAN A "DIALOGUE" WITH MANY OF THE NATION'S POLITICAL LEADERS. BY THE END OF OCTOBER, 41 MEETINGS AT THE NATIONAL LEVEL AND 139 MEETINGS AT THE PROVINCIAL LEVEL HAD BEEN HELD. AMONG THE STATED PURPOSES OF THE DIALOGUE IS THE DEVELOPMENT OF LEGISLATION PERMITTING THE RESUMPTION OF POLITICAL PARTY ACTIVITY. AS OF DECEMBER 1980, IMPLEMENTING LEGISLATION HAD NOT BEEN ISSUED ALTHOUGH THE DIALOGUE WITH POLITICAL LEADERS CONTINUES. IN THE MEANTIME, THE MILITARY DESIGNATED ANOTHER MILITARY PRESIDENT TO SERVE UNTIL MARCH 1984.

THE GOVERNMENT HAS SUBJECTED MAJOR TRADE UNIONS TO ITS INTERVENTION, REPLACING HIGH-LEVEL UNION OFFICIALS WITH MILITARY PERSONNEL, AND PROHIBITING STRIKES. IN 1976, AND AGAIN IN MID-1979, DURING PERIODS OF LABOR TENSION, THE GOVERNMENT DETAINED A NUMBER OF IMPORTANT LABOR LEADERS (ALMOST ALL OF THESE HAVE SINCE BEEN RELEASED). NEVERTHELESS, STRIKES FOR WAGE INCREASES HAVE OCCURRED, AND NEARLY ALL HAVE BEEN SETTLED WITHOUT VIOLENCE.

IN LATE 1979, AFTER MORE THAN THREE YEARS OF STUDY, THE GOVERNMENT ISSUED A NEW TRADE UNION ORGANIZATION LAW AND LAID THE GROUNDWORK FOR LIFTING THE SUSPENSION OF UNION ACTIVITIES WHICH HAS BEEN IN EFFECT SINCE THE ARMED FORCES TOOK POWER IN 1976. THE LAW CALLS FOR THE DEFINITIVE DISSOLUTION OF THE OLD NATIONAL CONFEDERATION (CGT) AND OTHER "TERTIARY" ORGANIZATIONS WHICH HAVE BEEN UNDER GOVERNMENT CONTROL SINCE 1976. ALTHOUGH THE LAW MAKES NO PROVISION FOR SUCH TERTIARY ORGANIZATIONS, AN INFORMAL NATIONAL LABOR LEADERSHIP

~~CONFIDENTIAL~~ ~~CONFIDENTIAL~~

~~CONFIDENTIAL~~

~~CONFIDENTIAL~~

CONTINUES TO OPERATE. IT IS NOT CLEAR WHEN THE GOVERNMENT WILL LIFT THE SUSPENSION OF THE RIGHTS TO STRIKE AND BARGAIN COLLECTIVELY. FROM THE GOVERNMENT'S POINT OF VIEW, THE NEW LAW IS DESIGNED TO INTRODUCE MORE GRASSROOTS DEMOCRACY AND FREEDOM OF ASSOCIATION FOR THE WORKERS THAN EXISTED IN THE PAST; LABOR LEADERS,

ON THE OTHER HAND, SEE IT AS AN EMASCULATION OF UNION POWER, AS IT PROSCRIBES ALL POLITICAL ACTIVITY AND GREATLY RESTRICTS CONTROL OVER SOCIAL FUNDS. THE PROCEDURAL STEPS FOR THE IMPLEMENTATION OF THE NEW LAW WILL NOT BE CLARIFIED UNTIL THE MINISTRY OF LABOR ISSUES DETAILED REGULATIONS. THE ICFTU CONDEMNED THE LAW AS A VIOLATION OF UNION RIGHTS.

ALTHOUGH ENJOYING NO OFFICIAL STANDING OR RECOGNITION BY THE GOVERNMENT, SEVERAL LABOR GROUPINGS ARE ACTIVE IN MAKING THEIR VIEWS KNOWN. FOR EXAMPLE, THEY OPPOSE THE GOVERNMENT'S TRADE UNION LAW ON GROUNDS THAT IT RESTRICTS FREEDOM OF ASSOCIATION AND THE RIGHT TO ORGANIZE AS DEFINED IN CONVENTIONS 87 AND 98 OF THE INTERNATIONAL LABOR ORGANIZATION (ILO) AS RATIFIED BY THE ARGENTINE GOVERNMENT. THEY ALSO OPPOSE THE NEW LAW'S PROHIBITION AGAINST POLITICAL ACTION BY TRADE UNIONS. THE INTER-AMERICAN HUMAN RIGHTS COMMISSION HAS RECOMMENDED THE REPEAL OR AMENDMENT OF LAWS THAT PREVENT THE NORMAL DEVELOPMENT OF TRADE UNIONS. THE ARGENTINE GOVERNMENT INFORMED THE OAS GENERAL ASSEMBLY THAT IN 1980 ARGENTINA FILED REGULAR REPORTS WITH THE ILO'S COMMITTEE ON TRADE UNION FREEDOM, WHICH HAS NOTED PROGRESS.

4. GOVERNMENT ATTITUDE AND RECORD REGARDING INTERNATIONAL AND NON-GOVERNMENTAL INVESTIGATION OF ALLEGED VIOLATIONS OF HUMAN RIGHTS

IN LATE 1978, THE ARGENTINE GOVERNMENT INVITED THE INTER-AMERICAN HUMAN RIGHTS COMMISSION (IAHRC) TO VISIT ARGENTINA. THAT VISIT TOOK PLACE FROM SEPTEMBER 6 TO 20, 1979. THE COMMISSION MET WITH PRESIDENT VIDELA AND OTHER HIGH-LEVEL OFFICIALS, TOOK TESTIMONY FROM FAMILY MEMBERS OF DISAPPEARED PERSONS AND FROM FORMER PRISONERS, AND VISITED SEVERAL PRISONS AND DETENTION CENTERS. THE IAHRC RECORDED A PAST PATTERN OF WIDE-SCALE HUMAN RIGHTS ABUSES, INCLUDING VIOLATIONS BY THE GOVERNMENT REGARDING THE RIGHT TO LIFE, PERSONAL SECURITY, PERSONAL LIBERTY, DUE PROCESS, AND FREEDOM OF OPINION, EXPRESSION AND ASSOCIATION. THE IAHRC ALSO NOTED, HOWEVER, THAT THE ARGENTINE GOVERNMENT COOPERATED FULLY WITH THE COMMISSION DURING ITS VISIT AND, THAT WITH THE EXCEPTION OF THE JEHOVAH'S WITNESSES, FREEDOM OF RELIGION PREVAILS IN ARGENTINA. IT REPORTED THAT THERE IS NO OFFICIAL POLICY OF ANTI-SEMITISM, THOUGH IN SOME INSTANCES JEWS HAVE BEEN THE SUBJECT OF DISCRIMINATION. THE IAHRC FORMULATED A SERIES OF

DECLASSIFIED IN FULL
Authority: EO 13526
DIA FOIA & Declassification Services Offices
Date: Oct 19, 2018

~~CONFIDENTIAL~~

~~CONFIDENTIAL~~

~~CONFIDENTIAL~~

~~CONFIDENTIAL~~

RECOMMENDATIONS TO THE ARGENTINE GOVERNMENT FOR CORRECTING THE ABUSES IT HAD OBSERVED. THESE RECOMMENDATIONS INCLUDED TRIAL AND PUNISHMENT FOR THOSE RESPONSIBLE FOR DEATHS ATTRIBUTABLE TO THE GOVERNMENT, AN OFFICIAL ACCOUNTING FOR THE DISAPPEARED, EFFECTIVE IMPLEMENTATION OF HABEAS CORPUS PROCEDURES, PUNISHMENT OF THOSE RESPONSIBLE FOR TORTURE, RELEASE OR TRIAL OF THOSE BEING HELD UNDER PEN, IMPROVEMENT IN PRISON CONDITIONS, EFFECTIVE GUARANTEES OF LEGAL DEFENSE AND DUE PROCESS, RESTORATION OF POLITICAL RIGHTS, OBSERVANCE OF TRADE UNION RIGHTS, LIFTING OF PROHIBITIONS AGAINST JEHOVAH'S WITNESSES, INVESTIGATION AND PUNISHMENT OF DISCRIMINATION AGAINST JEWS, AND FACILITATING THE EFFORTS OF HUMAN RIGHTS ORGANIZATIONS.

~~CONFIDENTIAL~~

ARGENTINA TOOK STRONG EXCEPTION TO THE COMMISSION'S REPORT. IN ITS 220 PAGE RESPONSE, IT ARGUED THAT THE COMMISSION INFRINGED ON THE RIGHTS OF A SOVEREIGN STATE, DID NOT MEET MINIMUM STANDARDS OF JUSTICE AND OBJECTIVITY AND, RATHER THAN SEEKING TO DETERMINE THE FACTS OF THE SITUATION, SOUGHT TO ESTABLISH ALREADY PREDETERMINED EXAGGERATED AND INACCURATE CONCLUSIONS. THE GOVERNMENT CLAIMED THAT THE IAHRC'S REPORT FAILED TO REFLECT AN UNDERSTANDING OF THE VIOLENCE AND SOCIAL UNREST EXISTING PRIOR TO THE MILITARY'S TAKEOVER NOR DID ITS CONCLUSIONS REFLECT THE IMPROVED HUMAN RIGHTS SITUATION AT THE TIME OF THE COMMISSION'S VISIT. THUS, ASSERTED THE GOVERNMENT, WHILE ARGENTINA DID NOT SEEK TO AVOID THE REPORT'S CRITICISMS AND HAD WELCOMED THE COMMISSION'S VISIT, THE REPORT LEFT A FALSE IMPRESSION OF HUMAN RIGHTS CONDITIONS IN ARGENTINA.

THE SPECIAL IAHRC REPORT ON ARGENTINA WAS CONSIDERED BY THE ORGANIZATION OF AMERICAN STATES GENERAL ASSEMBLY HELD IN WASHINGTON, D.C. NOVEMBER 19 - 27, 1980. ARGENTINA, IN AN INFORMATIVE NOTE, REPORTED ACTIONS TAKEN IN 1980 TO IMPROVE THE HUMAN RIGHTS SITUATION, INCLUDING A GRADUAL DECREASE IN THE NUMBER OF NEW PERSONS DETAINED BY THE EXECUTIVE, AND A SYSTEM FOR PERIODIC

~~CONFIDENTIAL~~

~~CONFIDENTIAL~~

DECLASSIFIED IN FULL
Authority: EO 13526
DIA FOIA & Declassification Services Offices
Date: Oct 19, 2018

~~CONFIDENTIAL~~

~~CONFIDENTIAL~~

REVIEW OF PENDING CASES, IMPROVED PRISON CONDITIONS, A DECREASE IN THE NUMBER OF INDIVIDUALS SAID TO HAVE DISAPPEARED AND OFFICIAL EFFORTS TO CLARIFY THE CIRCUMSTANCES, AN INCREASE IN JUDICIAL EFFECTIVENESS, THE DEVOLUTION OF STATE CONTROLLED MEDIA INTO PRIVATE HANDS, THE REAFFIRMATION OF THE RIGHT OF HUMAN RIGHTS ORGANIZATIONS TO CONDUCT THEIR ACTIVITIES FREELY, COOPERATION WITH THE ILO, AND EFFORTS TAKEN TO RESTORE POLITICAL RIGHTS. THE OAS APPROVED A RESOLUTION SPECIFYING ARGENTINA, AS WELL AS FIVE OTHER COUNTRIES IN WHICH HUMAN RIGHTS VIOLATIONS HAD BEEN DISCUSSED IN EITHER THE IAHRC ANNUAL REPORT OR IN SPECIAL REPORTS, AND URGED MEMBER STATES THAT HAD NOT YET DONE SO TO CORRECT REMAINING VIOLATIONS. - ALTHOUGH THE SUBJECT OF PROLONGED DEBATE, THE RESOLUTION WAS ADOPTED BY CONSENSUS.

THE UNITED NATIONS COMMISSION ON HUMAN RIGHTS IS CONSIDERING THE SITUATION OF HUMAN RIGHTS IN ARGENTINA UNDER ITS CONFIDENTIAL 1503 PROCEDURES. A WORKING GROUP ON DISAPPEARANCES IS INQUIRING INTO CASES OF DISAPPEARANCES IN ARGENTINA AND OTHER COUNTRIES. THE INTERNATIONAL COMMITTEE OF THE RED CROSS (ICRC) MAINTAINS AN ACTIVE PROGRAM IN ARGENTINA, WITH GOVERNMENT APPROVAL, ON BEHALF OF IMPRISONED PERSONS. THE GOVERNMENT HAS USUALLY FACILITATED THE EFFORTS OF VARIOUS GROUPS AND INDIVIDUALS SEEKING TO INVESTIGATE ALLEGATIONS OF HUMAN RIGHTS ABUSE.

BT

Sec. 3.3(b) (1)

~~CONFIDENTIAL~~

DECLASSIFIED IN PART
Authority: EO 13526
DIA FOIA & Declassification Services Offices
Date: Oct 19, 2018